

REMARKS

This is in response to the non-final Official Action currently outstanding with regard to the above-identified application.

Claims 1-20 were pending at the time of the issuance of the currently outstanding Official Action. No claims are amended by the foregoing Amendment. Further, no Claims are added, canceled or withdrawn by the foregoing Amendment. Accordingly, Claims 1-20 as originally filed will constitute the claims under active prosecution in this application upon the entry of the foregoing Amendment.

The claims as they will stand upon the entry of the foregoing Amendment are not reproduced above because no changes thereto are made by this Amendment. Hence, reproduction of the claims as originally filed with appropriate status identifiers is not required by the Rules.

More particularly, in the currently outstanding Official Action, the Examiner has:

1. Acknowledge Applicants' claim for foreign priority under 35 USC §119 (a)-(d) or (f), and confirmed the receipt by the United States Patent and Trademark Office of the required copies of the priority documents;
2. Objected to the drawings as filed on 11 February 2004 on the grounds that they fail to comply with 37 CFR § 1.84(p)(5) because they include a reference character (i.e., the letter "H") not mentioned in the description – **Applicants respectfully submit that the foregoing amendments to the present specification remove the basis for the Examiner's outstanding objection to the drawings of this application and in light thereof respectfully request that that objection be withdrawn in response to this communication;**

3. Confirmed the receipt of Applicants' Information Disclosure Statement of 11 February 2004 by providing Applicants with a copy of the Form PTO-1449 that accompanied that Statement duly signed, dated and initialed by the Examiner in confirmation of her consideration of the art listed therein;
4. Requested Applicants to review the lengthy specification and correct such minor errors as may be found therein – **Applicants have reviewed the specification and have not located any minor errors requiring correction, should such errors be noted in the future they will be corrected at that time;**
5. Indicated that Claims 12-14 are objected to as being dependent upon a rejected base claim, but that those claims would be allowable if rewritten in independent form including all of the limitations of their respective base claims and any intervening claims.
6. Rejected claims 1-7, 9-11, 15 and 18-20 under 35 USC §102(b) as being anticipated by Noguchi et al. (US Patent No. 5,579,098);
7. Rejected claims 1-3, 5, 7-8, 10-11, 15-16 and 18-20 under 35 USC §102(b) as being anticipated by Namiki (US Patent No. 5,280,331);
8. Rejected claims 1-11, 15-16 and 18-20 under 35 USC §102(e) as being anticipated by Yamaguchi et al. (US Patent No. 6,947,687 B2); and
9. Rejected claims 1-2, 5, 7-8, 10-11 and 15-20 under 35 USC §102(a) as being anticipated by Takashi (JP 2003-241615 A).

Further comment regarding items 1-4 above is not deemed to be required in these Remarks.

With respect to item 5, the Examiner also has included objections to claims 12-14, as being dependent upon a rejected base claim, but indicated that those claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants respectfully decline the Examiner's offer in this regard at this time because it is believed that all of the claims of this application are in condition for allowance over the art currently of record for the reasons set forth hereinbelow. Applicants reserve the right to accept the Examiner's offer later in this prosecution.

With respect to items 6-9, Applicants' reserve their right to perfect their priority claim by the filing of a verified English language translation of their priority document later in this prosecution should such a submission become necessary or desirable.

Claim 1 is representative of the independent claims of this application in terms of the differences of the present invention from the art upon which the Examiner relies. It will be noted in this regard that Claim 1 calls for "one or more disengaging means provided at at least one of the access-controlling body or bodies and disengaging engagement produced by at least one of the engagement means; at least one of the disengaging means being such that disengagement of the engagement produced by at least one of the engaging means occurs due to the fact that actuation of at least one of the disengaging means causes at least one of the access-controlling body or bodies to move away from at least one of the engagement means and in one or more first directions tending to cause disengagement of engagement produced by at least one of the engaging means or causes at least one of the engaging means to move away from at least one of the access-controlling body or bodies in one or more second directions tending to cause disengagement of engagement produced by at least one of the engaging means."

In short, Applicants respectfully submit that all of the present claims require that the disengagement means cause the access-controlling body to move away from the engagement means or *vice versa*. Accordingly, in order to reject the present claims, Applicants respectfully submit that it is incumbent upon the Examiner to locate and cite prior art in which the disengagement means not only releases the engagement of the access-controlling body with the apparatus main body **but also causes the access-controlling body to move away from the main apparatus body.**

Applicants respectfully submit that the Examiner has failed to satisfy this burden of proof in this case. Instead, all of the art relied upon by the Examiner teaches that the access-controlling body may be manually disengaged from an apparatus main body and manually caused to move away in a disengaging direction. This is not the same thing as the present invention wherein the apparatus claimed causes the movement of an engaged object relative to the structure to which it is engaged by virtue of its operation. A brief discussion of each of the references relied upon by the Examiner will clarify this point.

First, in the Noguchi et al reference, the fixing unit 4 is removably disposed in the main frame 23 such that the opening portion 35b in the bottom of the fixing unit 4 engages the upwardly projecting boss 22, the projection 35a on the leading portion of the frame 35 of the fixing unit 4 engages the slit 24 in the frame 23 in the direction indicated by the arrow B in Fig. 2(b), and the projection 31a of the fixing lever 31 engages a receiving groove in the pressing plate 26. The result is that the pressing plate 26 exerts a downward force on the fixing unit 4 via the levers 31 so as to maintain the fixing unit in place within the frame 23.

When the fixing unit 4 is to be removed from the frame 23, the levers 31 are released from their engagement with the pressing plate 26, and the pressing plate is retracted by the coil spring. However, the movement of the fixing unit away from the frame 23 results from the raising, holding and exertion of upward and outward pulling forces on the handle 33 by the user so as to allow the user to remove the fixing unit 4 from the frame 23. Accordingly, the release of the engagement of levers 31 from their engagement with pressing plate 26 does not cause the fixing unit 4 to move away from the frame 23 as the Examiner suggests. (See Noguchi, et al, at Column 5)

The situation with respect to the Namiki et al reference is similar. In Namiki et al, the re-feeding unit 77 slides along rails 69a in the lower portion of frame 69. To remove the re-feeding unit from the frame 69 the user grasps the grip 77a and pulls the re-feeding unit 77 out of the frame 69 to the point depicted in Fig. 5 wherein an upward projection 90a from retraction regulating lever 90 engages a downwardly extending projection 26a and is held in that position by a spring bearing upwardly against the lever 90. Then, as shown in Fig. 6, the user exerts a downward force on an outer free end of the lever 90 so as to cause the lever 90 to rotate downwardly about a pivot at its other end to a point at which the projection 90a can be slid under the projection 26a by the user exerting a further outward pulling force on the re-feeding unit 77. Therefore, it will be seen that the disengagement means (i.e., the lever 90 rotating about its pivot) does not cause the re-feeding unit to move away from the frame. Rather, all movement of the re-feeding unit outwardly from within the associated cavity of the image forming apparatus shown in the Namiki et al patent is accomplished by a force applied to the re-feeding unit 77 by the user, not the disengagement means as herein claimed.

Yamaguchi et al also is similar. In Yamaguchi et al, as best seen in Figs. 4 and 5, a cartridge 40 is held in a cavity by locking portions 380a engaging cartridge catching portions 50a under the influence of a releaseable spring force. Specifically, a central mechanism (best seen in Fig. 12) is provided which normally is maintained in a generally V-shaped configuration so as to hold the locking portions 380a in the outwardmost positions. Accordingly, when the cartridge is inserted or removed, the user squeezes the outer ends of the V-shaped member together thereby pulling the locking portions toward one another such **that the user can slide the cartridge into the cavity or remove the cartridge from the cavity.** However, in no case does the squeezing together of the outer ends of the V-shaped biasing member that engage the locking members cause the cartridge to move away from the cavity. Instead, the movement of the cartridge in and out of the cavity is accomplished solely by the user after the engagement of the cartridge with the cavity walls has been released.

Finally, it will be understood that the Takashi reference is similar too. Specifically, in Takashi the removeable device includes an outer hand grip portion that carries a spring loaded engagement clip adapted to engage a projections extending in opposite directions outwardly from the housing. The user grasps the hand grip and either exerts a force on the free ends of the V-shaped engagement device. The exertion of an inwardly directed force against those free ends causes the V-shaped device to rotate (collapse inwardly) about its centrally located pivot so as to release the engagement of the engaging means from opposing walls of the housing and allow the projection carrying member to be withdrawn from the housing by the user by simply pulling the device from within the housing. **In this instance again, the device to be removed from the housing is not caused to move away from the housing by virtue of the operation of the disengagement means. Instead, the disengagement means is operated so as to leave the device to be removed in a condition that a user may somehow grasp and remove it (i.e., the device to be removed is rendered free to move with respect to the housing, but is not caused to move away from the housing by virtue of the operation of the disengagement means as herein claimed).**

Therefore, in view of the foregoing Amendment and Remarks, Applicants respectfully submit that the claims of this application as they will stand after the entry of the foregoing Amendment are in condition for allowance. A decision so holding in response to this communication is respectfully requested.

Finally, Applicants believe that additional fees are not required in connection with the consideration of this response to the currently outstanding Official Action. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. **04-1105**, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

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